



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 6917-99

9 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application on behalf of your former late husband for correction of his naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your late husband's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Awards Branch, Headquarters Marine Corps, dated 20 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1650
MMMA-3

JAN 20 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]
[REDACTED] (DECEASED)

1. [REDACTED] is entitled to the following awards for his
service in the U.S. Marine Corps:

American Campaign Medal

Asiatic-Pacific Campaign Medal with two bronze stars

World War II, Victory Medal

Navy Occupation Service Medal with Asia Clasp

Rifle Expert Badge

2. The record reveal that the National Personnel Records
Center, St. Louis, Missouri previously issued his awards, on 15
March 1999.

3. During the period he served in the Marine Corps, the Purple
Heart was authorized for award to those who were wounded or
injured as a direct result of action by an enemy of the United
States or an opposing armed force of a foreign country in which
the Armed Forces of the United States was engaged.

4. A review of his service and medical records, and the
records at this Headquarters fails to reveal any documentation
to substantiate his entitlement to a Purple Heart award.

5. Since there is no indication in his records that he was
injured under conditions that would qualify him for the Purple
Heart award, regulations require that eyewitness statements be
obtained. The eyewitness statements can be from the medical
personnel who treated him or two other personnel who were
present at the time he was injured. Statements should contain
the time, place, medical attention received, and verification

that the injury was a direct result of enemy action. If the statements can provide the above information, further consideration will be given to a request.

6. A point of contact at MMMA [REDACTED] @ 784-9340.

[REDACTED]
[REDACTED]
Head, Military Awards Branch
Personnel Management Division
by direction of
the Commandant of the Marine Corps